IN THE COURT OF APPEALS OF MARYLAND

COA-PET-0031-2022
September Term, 2022

TERRENCE BELTON,
Petitioner,
v.
STATE OF MARYLAND,
Respondent.

BRIEF OF *AMICI CURIAE*

PUBLIC JUSTICE CENTER,
ACLU OF MARYLAND,
MARYLAND CRIMINAL DEFENSE ATTORNEYS' ASSOCIATION,
LEAGUE OF WOMEN VOTERS OF MARYLAND,
HOWARD UNIVERSITY SCHOOL OF LAW CIVIL RIGHTS CLINIC,
UNIVERSITY OF MARYLAND SCHOOL OF LAW CLINICAL PROGRAM,
AND SCHOLARS OF RACE AND CRIMINAL LAW

IN SUPPORT OF PETITIONER, BY WRITTEN CONSENT

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STATEMENT OF INTEREST

The **Public Justice Center ("PJC")** is a non-profit civil rights and anti-poverty legal organization established in 1985. PJC uses impact litigation, public education, and legislative advocacy through a race equity lens to accomplish law reform for its clients. Its Appellate Advocacy Project expands and improves representation of disadvantaged persons and civil rights issues before the Maryland and federal appellate courts. The PJC has a demonstrated commitment to opposing institutionalized racism and pursuing racial equity in the judicial system. *See, e.g.*, *Aleti et ux. v. Metro. Balt. LLC, et al.*, COA-REG-0039-2021 (*amicus*); *B.C. v. Barr*, 12 F.4th 306 (3d Cir. 2021) (*amicus*); *Yu v. Idaho State Univ.*, 11 F.4th 1065 (9th Cir. 2021) (*amicus*); *Goshen Run Homeowners Assoc., Inc. v. Cisneros*, 467 Md. 74 (2020) (*amicus*); *Sizer v. State*, 456 Md. 350 (2017) (*amicus*). The Statements of Interest of co-*Amici*—representing a broad coalition of community advocates and legal professionals—are contained in the attached Appendix.

INTRODUCTION

Just imagine being the Defendants in this appeal. On the advice of counsel, you argued there were errors in the legal process for determining your guilt and deciding your punishment. After weeks of anticipation, the court issues its opinion, and you read to see how the Court resolved your questions, with your liberty hanging in the balance.

Reading the decision of the Court of Special Appeals ("the Opinion") would be utterly bewildering. Twenty pages in, it is not clear that the Court has started considering your arguments. It is clear, however, that the Court views you as an object of derision, making a mockery of you, your family bonds, your community—even the life that was

lost because of your crime. The Court's gratuitous commentary obscures its resolution of your claims and leaves you humiliated and degraded. When you finished reading, would you trust that you received equal justice under the law?

The Opinion tramples the basic human dignity of the Defendants. Its commentary trades in racist stereotypes—regardless of authorial intent—and is entirely irrelevant to the appeal. That is a concern of extraordinary public interest, and so the review of Maryland's highest court is desirable. Md. Rule 8-303(b)(1). The Court should therefore grant the Petition and exercise its discretion to remedy the Opinion. Ultimately, it is not only the Defendants' dignity at stake, but also the courts' relationship with the communities they serve.

ARGUMENT

I. The Opinion is racist.

A. What "racist" does and does not mean.

The most basic dictionary definition of "racism" is "a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race." John McWhorter, *The Dictionary Definition of* Racism *Has to Change*, Atlantic (June 22, 2020), https://www.theatlantic.com/ideas/archive/2020/06/dictionary-definition-racism-has-change/613324. In other words, "racist" is synonymous with "prejudiced" or "bigoted," specifically as to race. *Id*

That definition is largely unhelpful. It turns on the unknowable internal beliefs and intentions of the actor, regardless of the practical effects of their actions. *See* Kenneth W. Stikkers, *". . . But I'm Not Racist": Toward a Pragmatic Conception of*

"Racism", Pluralist, Fall 2014, at 1, 4–9 (when racism is defined as "the intent to harm non-white people," people charged with racism "claim that they intend no harm to people of color" and insist "that they have nothing against non-whites," and as a result, "only the most militantly racist" conduct qualifies, and discussions of race focus on "the interior of white folks" rather than "the conditions of life of non-whites").

More useful definitions of racism account for "social and institutional power." McWhorter, *supra*. For example, a racism definition from the National Educational Association: "Historically rooted system of power hierarchies based on race—infused in our institutions, policies, and culture—that benefits white people and hurts people of color." Nat'l Educ. Ass'n, *Racial Justice in Education: Key Terms and Definitions* (Jan. 2021), https://www.nea.org/professional-excellence/student-engagement/tools-tips/racial-justice-education-key-terms-and ("Racism isn't limited to individual acts of prejudice."). The term "racist" then describes conduct that furthers the system of racial hierarchy. *Id.* (defining "racist" as "a person, behavior, or incident that perpetuates racism").

Whether something "perpetuates racism" turns on real-world effects and can be observed objectively. *See id.* As an example: social scientists now recognize that certain standardized IQ tests are "racist" because, after controlling for other factors, they systematically produce more favorable results for white people. McWhorter, *supra*. The outcome is "racist" regardless of whether the test authors hold racial animus. By this definition, racist actions do not arise exclusively from a moral failing or character flaw. So, here, our analysis of the Opinion as "racist" is not a smear directed at individuals, but rather a label for institutional conduct that perpetuates racism.

B. The Opinion perpetuates racism by relying on racial tropes and stereotypes to express its meaning.

Applying this definition here, the Opinion is racist. It perpetuates racism by gratuitously degrading the Defendants, their familial relationship, and their community with longstanding tropes and stereotypes about Black people, Black families, and Black communities that serve to subjugate and stigmatize Blackness. The Opinion compares the Defendants to the archetypal monster Grendel and its mother, declares the Black Ms. Worsley is unworthy of the sympathy typically afforded to mothers, and denigrates all the people involved and the Black Baltimore neighborhood where the events took place.

A skeptical reader might be unconvinced. They could respond that the Opinion's commentary, like it or not, is not about race. Instead, the Opinion comments on the criminal behavior of defendants convicted by a jury for their crimes, with all its scorn applying just the same if the defendants had been white. The contrasts the Opinion draws between the Defendants and society's purported ideals—"the sentimentally distorting lens of James Abbott McNeill Whistler or of Norman Rockwell or of Currier and Ives"—are not between Black and white, but between criminality and decency.

While perhaps intuitively appealing, this "colorblind" reading does not hold water. Even if the Opinion's commentary is not *intended* to denigrate based on race, and does not do so expressly, it nevertheless does do so.

i. The monster metaphor

By comparing a Black man from a predominantly Black and impoverished urban neighborhood to the "monster" that "terrorized" Hrothgar's Hall of "modern-day

Sweden," the Court invokes one of the oldest racist tropes in American society: that Black men are in some way sub-human and inherently predisposed to violence and criminality, such that white society requires protection from their menace. *See generally* Jim Crow Museum, *The Brute Caricature* (Nov. 2000), https://www.ferris.edu/HTMLS/news/jimcrow/brute/homepage.htm (explaining that the "brute caricature" portrays Black men "as innately savage, animalistic, destructive, and criminal . . . . an anti-social menace," and dates to Reconstruction, when "many whites argued that without slavery . . . [Black people] were reverting to criminal savagery"). Historically, this trope was invoked to justify violent atrocities committed against Black people. *See, e.g.*, Calvin J. Smiley & David Fakunle, *From "Brute" to "Thug"*, 26 J. Hum. Behav. & Soc. Env't 350, 354 (2016) (quoting a newspaper description of the victim of a lynching as "a monster in human form"). The trope still arises for the same purpose today. *See, e.g.*, *id.* at 356–66 (collecting examples of the "brute" trope in reporting on police killings of Black men and boys); Fiona Harris-Ramsby & Mubarak Muhammad, *Warning! Monster Metaphors and the Urban Black Body*, *in* The Pathogenesis of Fear 79, 80–98 (ed. Elizabeth Ann Hollis Berry, 2019) (collecting examples from online responses to police killings of Black people, showing that "young black male bodies in urban settings are metaphorically monsterised via a public perception of superhuman threat that justifies police violence against them").

Even if the Court thinks the monster metaphor was intended as mere literary flair, it should not ignore this inextricable context. If it does, the Judiciary essentially legitimates this stereotyping and the underlying prejudice it expresses. "[E]very time a

grand jury or a police review board accepts this form of reasoning, they ratify the idea that [Black people] are a population against which society must be defended," and as a result, Black people "are figured as a threat even when they are simply living their lives, walking the street, leaving the convenience store, [or] riding the subway." *See* Judith Butler, *What's Wrong with 'All Lives Matter'?*, N.Y. Times: Opinionator (Jan. 12, 2015), https://opinionator.blogs.nytimes.com/2015/01/12/whats-wrong-with-all-lives-matter.

ii. The "Demythologizing 'Mother'" section

The Opinion's treatment of Ms. Worsley invokes another deeply rooted racist trope: the demonization and criminalization of the Black mother. The "Demythologizing 'Mother'" section concludes that Ms. Worsley is not entitled to the sympathies that could arise from facts about a son defending his mother. *See* Op. at 4–6 (an "admonitory caveat" must apply to the "heavy emotional punch"; a "potentially distracting ambience . . . had to be dissipated" before "an appropriately neutral analysis"; "we must remove the sentimental stereotype" and "mak[e] our mental appraisal of the cold hard facts").

The Opinion rejects compassion for Ms. Worsley's motherhood because: she was young and "vigorous," not "decrepit," "fragile," or a "helpless Old Lady"; she had previously been arrested and faced collateral employment consequences; and she sold drugs. *See* Op. at 4–6. The commentary consistently reads as not-so-subtly linked to the Defendants' poverty and Blackness. For example, the Opinion conspicuously repeats Ms. Worsley's full name, which is legibly Black, when, at the apex of its mockery, it declares: "We must forgo any temptation to think of the appellant Shakiea Worsley as

Whistler's Mother, calling out from her decrepitude for protection from the slings and arrows of the Monroe-McHenry open-air drug market." *Id.* at 5.

This needless commentary reinforces a harmful narrative about Black women and Black motherhood. *See generally* Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 Harv. L. Rev. 1419, 1436–44 (1991). In law and culture, there is a "devaluation of Black women as mothers," and "[a] popular mythology that degrades Black women and portrays them as less deserving of motherhood reinforces this subordination." *Id.* Ever since "the original exploitation of Black women during slavery, ... Black women have fallen outside the scope of the American ideal of womanhood." *Id.*; *cf.* Op. at 4–6 (insisting that Ms. Worsley is undeserving of (white) artistic portrayals of motherhood's purported ideal). There are deeply stigmatizing cultural tropes associated with this concept, such as "the character of Jezebel, a woman governed by her sexual desires," which "helped to perpetuate [Black women's] devaluation as mothers." Roberts, *supra*, at 1436–44; *cf.* Op. at 4–6, 8–10 (emphasizing, repeatedly and unnecessarily, the age at which Ms. Worsley became a mother and her status as a grandmother). Similarly, the "devaluation of Black motherhood has been reinforced by stereotypes that blame Black mothers for the problems of the Black family." Roberts, *supra*, at 1436–44; *cf.* Op. at 4–10 (contrasting Ms. Worsley's maternal status and her activities as a "drug peddler" or "dope dealer" on a block that "was not the Hallmark Hall of Fame").

Like the "monster metaphor," this racism is not benign. These ideas do violence to Black women. Under chattel slavery, Black women were subject to "the brutal denial

of autonomy over reproduction." *Id.* In the generations since, Black women, especially poor Black women, have been and continue to be disproportionately subject to coerced sterilization and disproportionately likely to have their children taken from them by the State. *Id.* Today, Black women are significantly more likely to die in childbirth or see their children die, among the many other inequities in their reproductive healthcare. Madeline Y. Sutton et al., *Racial and Ethnic Disparities in Reproductive Health Services and Outcomes*, 137 Obstetrics & Gynecology 225, 226–30 (2020).

The Opinion is not subtle, and this trope is not new. The Court would be wrong to dismiss our concerns as pollyannish or as culture-war hot-headedness. The detour into Ms. Worsley's worth as a mother cannot be separated from its racist connotations. Whatever the reader's personal reaction might be, we urge the Court to also consider how the Opinion will strike members of the community who are regularly subject to these disparaging ideas. The Court could sign-off on the Opinion as "colorblind," but Black women in Maryland will still hear its message loud and clear.

iii. The Opinion's other disparaging remarks

More broadly, passing slights with racial connotations throughout the Opinion contribute to its mocking tone. *See, e.g.*, *id.* at 4 ("The intersection . . . was not the Hallmark Hall of Fame."); *id.* at 43 (comparing Southwest Baltimore to the so-called Wild West); *id.* at 8–10 (drawing contrasts, seemingly intended as humorous or sardonic, between the events of the case and the Defendants bringing Mr. Belton's daughter to school or picking up cupcakes for her class). It generally treats the case as a platform for performative wit rather than as the adjudication of human death and human incarceration.

See, e.g., *id.* at 1–56 (reducing the Defendants to "the Son" and "the Mother" rather than using their names); *id.* at 51 n.8 (quoting a limerick); *id.* at 39, 43 (sarcastically referring to "the Mother-Son combat unit," "the Son's" "general philosophy" and his "Byzantinely nuanced," "truly geopolitical," "strategic" testimony).

The corner of Southwest Baltimore at issue—which the Opinion refers to as an "open-air drug market" ten times—is in Carrollton Ridge. The neighborhood was prosperous and "overwhelmingly white" as recently as 1950, with only 2% of properties left vacant. John James Hillegass, Beyond Blight in Baltimore 55–66 (2020), https://repository.library.georgetown.edu/bitstream/handle/10822/1062770/Hillegass%20Paper.pdf?sequence=1&isAllowed=y. As formal housing segregation in Baltimore ended, "many Black residents moved to neighborhoods where they were previously barred and many white residents left for the suburbs." *Id.* In Carrollton Ridge, "neighborhood employment centers shut down, and demand for housing fell." *Id.* Nowadays, the neighborhood is predominantly Black, the population has decreased by almost-half, and 41% of properties are vacant. *Id.* After decades of segregation and disinvestment, "Carrollton Ridge is one of the most blighted neighborhoods in Baltimore today." *Id.*

As a result, Carrollton Ridge is now at the heart of mass incarceration. It is one of five neighborhoods that account for 25% of incarcerated Baltimoreans, at a cost of roughly $10 million annually, likely the greatest public spending Carrollton Ridge sees. *See* Prison Pol'y Inst., The Right Investment?: Corrections Spending in Baltimore City (Feb. 2015), https://www.prisonpolicy.org/origin/md/report.html. Like the spiraling consequences of segregation, "dramatically high levels of imprisonment" in a single

neighborhood "exacerbate an already intolerable degree of racial disparity." Todd R. Clear, Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse 4–5 (2009) ("Concentrated incarceration . . . has broken families, weakened the social-control capacity of parents, eroded economic strength, soured attitudes toward society," and even "increased rather than decreased crime.").

True, a court cannot consider the system-wide effects of mass incarceration when adjudicating any one case. It could, however, operate with some basic awareness of that systemic context. And it should, therefore, refrain from punching down at the Defendants in criminal litigation that arose from violence and that will put another Southwest Baltimore family in prison cells. Robert M. Cover, *Violence and the Word*, 95 Y.L.J. 1601, 1609 (1986) ("[J]udges deal pain and death. . . . In this they are different from poets, from critics, from artists. . . . Every prisoner displays its mark."); Gerald Lebovits et al., *Ethical Judicial Opinion Writing*, 21 Geo. J. Legal Ethics 237, 271, 278 (2008) ("Humor in the judicial system is not funny," and even "[m]ore lamentable than humor is scorn," which "suggests that bias might have motivated the judge"). The Opinion is beneath the dignity of the Maryland courts. This Court should do something about it.

II. The Court should therefore order the lower court to recall the Opinion.

The Court might feel the Petition puts it in an awkward position. The Court is, presumably, loath to regulate the permissibility of any one jurist's "style." And there is a robust tradition of "colorful" opinion writing. *See* Nina Varsava, *Professional Irresponsibility and Judicial Opinions*, 59 Hous. L. Rev. 103, 109 (2021) (quoting

several jurists' opinions that judges should "write with character" and that judicial writing is "a judge's signature" or creates "a sense of the writer's personality"). We recognize that the colorful tradition in Maryland is particularly important context here. *See* Md. State Bar Ass'n, *The Golden Jubilee of the Honorable Charles E. Moylan, Jr.* (May 2021) https://cdn.laruta.io/app/uploads/sites/7/2021/05/28145307/The-Golden-Jubilee-of-the-Honorable-Charles-E.-Moylan-Jr.pdf (celebrating, with contributions from dozens of Maryland jurists, the author's "thousands of opinions which have left an indelible mark on Maryland jurisprudence . . . like no other judge in Maryland history").[1]

Nevertheless, a judge's "style" can invite error. Opinions are subject to judicial review based on their text, not just the substance of their holdings, and there are necessarily boundaries on an appellate judge's stylistic discretion. As an extreme example, if an opinion explicitly targeted racial slurs at the defendant, we trust that the Court would recall that opinion.

Now, it is more important than ever for courts to review inappropriate style. The internet has dramatically increased the exposure of judicial writing. With the help of #AppellateTwitter, opinions now go viral. Given the associated risks and incentives, there is a role for courts in ensuring appropriate style. *See, e.g.*, Varsava, *supra*, at 150, 162–73 ("When judges take advantage of or embellish personal details about litigants to enhance the narrative appeal of their opinions," they "betray their duties to participants in

[1] While recognizing that the motion to reconsider was denied below, we nonetheless hope that Judge Moylan, with the benefit of these additional perspectives on the harmfulness of the dicta in the Opinion, would himself consider revisiting it.

the adjudicative process and undermine the rule of law."); *see also* Lebovits et al., *supra*, at 239–303, 308 ("[J]udicial opinions must live up to high moral standards" and "[e]ach judicial opinion . . . affects the public perception of the judiciary"); David McGowan, *Judicial Writing and the Ethics of the Judicial Office*, 14 Geo. J. Legal Ethics 509, 514–15 (2001) (arguing for "party-centered" writing standards in the judicial code of conduct; "[a]n ethical judge must demand of herself that she identify and understand her own biases and how they affect her reaction to a case"). The bar is surely high. But, for two main reasons, this is the extraordinary case where relief is warranted.

First, the racism in the Opinion has no place in Maryland law. It violates the Defendants' rights. But even if the Court does not wish to reach that question, it can still exercise its discretion to strike the inappropriate text. As the Petition points out, the Judiciary recently committed to affirmatively rooting out racism: "[Judges] must re-examine how we administer justice . . . . to assure that our courts do not suffer bias, conscious or unconscious." C.J. Mary E. Barbera, Statement on Equal Justice under Law 2 (June 9, 2020), https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/statementonequaljustice060920.pdf. The Judiciary formed a committee to act on these commitments, acknowledging that this process would require it to "realign our practices to make good the promise of equal justice under law." *Id.* at 2–3.

The Judiciary talked the talk, and this case demands the Court walk the walk. The Opinion is incompatible with the Judiciary's stated values. If the Judiciary proclaims that, "in Maryland, the lives of people of color do matter," then it must be willing to remedy its own work product that belittles and shames those lives. *See id.* at 3.

The Court may worry about the line-drawing problem here. We acknowledge that, unfortunately, this opinion is surely not the first to express latent racism, and probably will not be the last. However, as the second main reason that relief is appropriate, we cannot express strongly enough how *gratuitous* the Opinion is. From the reporter's caption, listing the section headings, the reader would believe the Opinion resolves issues of self-defense and the defense of others, and it spends the *bulk* of its 56 pages discussing those issues. It is quite jarring, then, when the Opinion acknowledges that it is "reviewing a blank, or at least an unmapped, slate" because "[t]he State, for its part, never challenged" the issues the Court is analyzing and "[t]he trial court, accordingly, was never called upon to make express rulings" on them. Op. at 32. Instead, the discussion arises from the Opinion's own lamentation that the jury was instructed on these defenses, and it effectively calls into question the soundness of the jury's verdict. *See* Op. at 48–49 (opining, "[f]or better or for worse, the issue of self-defense did go to the jury, despite our strong feeling that it should not have," and speculating on how the jury's verdict was affected).

For example, the "Demythologizing Mother" section is entirely unnecessary to this appeal. It also happens to cite no legal authority whatsoever for its declarative rule that the jury could not lawfully consider the mother-son relationship between the Defendants. *See* Op. at 3–19. Is it not relevant to the credibility of testimony meant to establish the defense of others that the one being defended is mother to the defender? The lower court did not have the benefit of briefing on the question, deepening the impression that its freewheeling analysis is being informed by its own biases.

The Opinion admits it is indulging in dicta. Dicta regularly guide practitioners and courts alike, and ultimately make their way into binding law. *See, e.g.*, *Flynn v. May*, 157 Md. App. 389, 411–12 (2004) (Moylan, J.) ("We are not hereby transforming our dicta into a holding. We are, however, unabashedly adding deliberate weight to the dicta."); *Harding v. State*, 223 Md. App. 289, 297 n.2 (2015) (Moylan, J.) ("Although dicta there, *Wyatt*'s conclusion is now a part of our holding here."). That is less objectionable when the dicta arise from analysis of the issues briefed by the parties. But it is irresponsible when the Court is riffing on issues of its own creation, without citations. Ultimately, here, "dicta" is too generous a label. It is more like an advisory opinion, "a long forbidden practice in this State," *Hatt v. Anderson*, 297 Md. 42, 46 (1983), or at least a violation of the party presentation principle. *United States v. Sineneng-Smith*, 140 S.Ct. 1575, 1579 (2020) ("[Courts] do not, or should not, sally forth each day looking for wrongs to right. [They] wait for cases to come to [them], and when [cases arise, courts] normally decide only questions presented by the parties."); *cf.* Op. at 32, 36, 39, 48 (acknowledging the State had not objected to the purported error being analyzed).

This Court could easily identify the large swaths of the Opinion that are both inappropriate and non-binding and order them stricken. Or the Court could just order the lower court to reissue the Opinion free of its self-declared dicta, leaving it some discretion to identify the exact parameters. Either way, because of the Opinion's special combination of inappropriate and unnecessary commentary, some relief is justified. If the Court truly stands behind its commitment to equity, it will rise to the occasion.

CONCLUSION

For the foregoing reasons, *Amici* urge the Court to grant the Petition and remedy the harm done by the Opinion to the Defendants, their community, and the Judiciary's reputation.

Respectfully submitted,

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CERTIFICATE OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief complies with the version of Rule 8-511 in effect prior to April 1 2022, because it was not practicable to comply with the version that took effect as this matter was pending, one business day before the brief was due.

2. This brief contains 3,878 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

3. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

/s/ Michael R. Abrams
Michael R. Abrams

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 20-201(g), on April 4, 2022, the foregoing Brief of *Amici Curiae* in Support of Petitioner was served via the MDEC File and Serve Module, and that, pursuant to Rule 8-502(c), two copies each were mailed, postage prepaid, first-class, to:

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APPENDIX

American Civil Liberties Union of Maryland (ACLU) is the state affiliate of the ACLU, a nationwide, nonprofit organization dedicated to the principles of liberty and equality embodied in the Constitution and this nation's civil rights laws. Since its founding in 1931, the ACLU of Maryland has appeared before courts and administrative bodies in numerous civil rights cases, including dozens of cases concerning race discrimination impacting police practices, voting rights, education, employment and the justice system. The ACLU of Maryland is deeply committed to principles of race equity, endeavoring not only to defend people's rights but also to upend the systems of bias that undergird the structures and institutions we operate within, including the executive, legislative, and judicial branches of government. We cannot defend civil rights and civil liberties without also challenging the implicit bias and systems that perpetuate white supremacy, which itself fuels the rights violations that the ACLU of Maryland is pledged to challenge. A core function of our legal work is to root out the bias ingrained within our institutions, including the legal profession, so that we may build a more equitable society that serves the interest of justice for all.

The **Maryland Criminal Defense Attorneys' Association (MCDAA)** was formed to promote study and research in the field of criminal defense law, to advance knowledge of the law as it relates to criminal defense practice, and to advocate for the proper administration of justice and the protection of individual rights. MCDAA signs on to the brief of amici curia The Public Justice Center, in support of Terrance Belton's Petition for Writ of Certiorari. MCDAA is committed to pursuing racial equity in the

judicial system, to opposing institutionalized racism, and to rectifying the systemic inequities that affect that poor and people of color.

The **League of Women Voters of Maryland (LWVMD)** is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. The LWVMD is committed to ensuring equitable access to democracy for all Marylanders. The LWVMD has a particular interest in this case because equitable access to democracy is only possible when all Marylanders are treated equitably in every facet of their lives, including in their interactions with legal systems.

Howard University School of Law is the nation's first historically Black law school. For more than 150 years since its founding during Reconstruction, the law school has worked to train "social engineers" devoted to the pursuit of social and racial justice. As part of this mission, the **Howard University School of Law's Civil Rights Clinic** advocates on behalf of clients and communities fighting for the realization of civil rights guaranteed by the U.S. Constitution. The Clinic has a particular interest in eradicating laws, policies, and procedural rules that serve to undermine vital human and civil rights. *See, e.g.*, *Boys v. Louisiana*, No. 21-1110 (U.S. Supreme Court) (amicus); *Concepcion v. United States*, No. 20-1650 (U.S. Supreme Court) (amicus); *Herrera v. Cleveland*, No. 21-771 (U.S. Supreme Court) (amicus); *Dobbs v. Jackson Women's Health Org*, No. 19-1392 (U.S. Supreme Court) (amicus).

The **Clinical Law Program at the University of Maryland Carey School of Law**, established in 1973, represents individuals, families, communities, and organizations in Maryland who cannot afford or access an attorney. Through litigation, legislative and policy advocacy, public education, and alternative dispute resolution, student attorneys and supervising attorneys in the Clinical Law Program work to improve lives, communities, institutions, systems, and the law. The Clinical Law Program has a particular interest in this case because its clinics regularly practice before Maryland trial and appellate courts, and eliminating improper considerations of race from the law is critical for its student attorneys, its clients, and similarly situated individuals and communities.

Dean Renée McDonald Hutchins is Dean and Professor of Law of the University of the District of Columbia Clarke School of Law. Dean Hutchins previously spent fourteen years on the faculty at the University of Maryland Carey School of Law, including as Jacob A. France Professor of Public Interest Law, co-director of the school's Clinical Law Program, and founding director of the Appellate and Post-Conviction Advocacy Clinic. Dean Hutchins is widely recognized as a leading expert on criminal appellate practice, and her scholarship, sitting at the intersection of criminal procedure and social science, has been published in high-impact journals and cited by numerous state and federal courts. **Professor Michael Pinard** is the Francis & Harriet Iglehart Professor of Law and the Co-Director of the Clinical Law Program at the University of Maryland Carey School of Law. Professor Pinard has published law review articles and op-eds on

the criminal process, criminal defense lawyering, race and the criminal legal system, policing, and the interconnections between the reentry of individuals with criminal records and the myriad consequences of convictions. Collectively, these scholars of race and criminal law have a particular interest in ensuring the criminal legal system operates without improper considerations of race and in ensuring their students have an equitable introduction to the law and its practice in Maryland courts.